



DOCKET NO. C01039.70042.US

**REQUEST FOR CONTINUED  
EXAMINATION (RCE)  
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/630,319
Confirmation Number	5464
Filing Date	July 31, 2000
First Named Inventor	Krieg et al.
Group Art Unit	1635
Examiner Name	Zara, Jane J.

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, **you** may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) instead of an RCE to be eligible for the patent term adjustment provisions of the AIPA.

**1. Submission required under 37 C.F.R. § 1.114****a. Previously submitted**

- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on .  
(Any unentered amendment(s) referred to above will be entered.)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on .
- iii. ☐ Other:

**b. Enclosed is/are:**

- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☒ Information Disclosure Statement (IDS)
- iv. ☐ Other:

**2. Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_ months. (Period of suspension shall not exceed 3 months) and the Fee of **\$130.00** under 37 C.F.R. § 1.17(i) is enclosed.
- b. ☐ Other:

**3. Fees – The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.**

- a. ☒ Enclosed is a check in the amount of \$1680 which covers:
  - i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
  - ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
  - iii. ☐ Other

**4. If the filing of this RCE necessitates an extension of time under 37 CFR § 1.136(a), the applicant hereby requests such extension of time.****5. If there is no check enclosed, or if the amount of the enclosed check in this RCE is incorrect, the Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 23/2825.**

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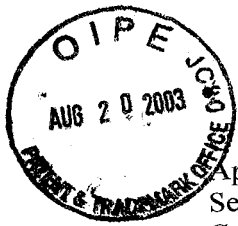
6. CORRESPONDENCE ADDRESS

Correspondence address below

CUSTOMER NUMBER:  
23628

OR

ATTORNEY'S NAME	Helen C. Lockhart, Ph.D., Reg. No. 39,248				
FIRM NAME	Wolf, Greenfield & Sacks, P.C.				
ADDRESS	600 Atlantic Avenue				
CITY	Boston	STATE	MA	ZIP	02210
COUNTRY	USA	TELEPHONE	(617) 720-3500	FAX	(617) 720-2441
7. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED					
NAME	Helen C. Lockhart, Ph.D., Reg. No. 39,248				
SIGNATURE					
DATE					
CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)					
The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to <b>MAIL STOP RCE</b> , Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the <u>18</u> day of August, 2003					
 Helen C. Lockhart, Ph.D.					



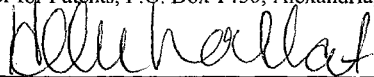
ATTORNEY'S DOCKET NO: C01039.70042.US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Krieg et al.  
Serial No.: 09/630,319  
Confirmation No.: 5464  
Filed: July 31, 2000  
For: METHODS FOR TREATING AND PREVENTING INFECTIOUS DISEASE  
Examiner: Jane J. Zara  
Art Unit: 1635

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 18 day of August, 2003.

  
Helen C. Lockhart

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT FILED PURSUANT TO THE DUTY OF DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicants request consideration of this Information Disclosure Statement.

**Compliance with 37 C.F.R. §1.97**

This Information Disclosure Statement has been filed before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. §1.114. No fee or certification is required.

**Information Cited**

The Applicants hereby make of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

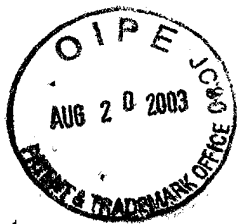
The Applicants hereby make the following additional information of record in the above-identified application:

The following are related pending U.S. non-provisional applications which do not appear on the 1449 form.

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<u>Attorney Docket No.</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>First Named Inventor</u>
C01037.70013.US	09/776,479	2/2/01	Bratzler et al.
C01037.70016.US	09/009,634	1/20/98	Hutcherson et al.
C01037.70017.US	09/800,266	3/5/01	Petersen et al.
C01037.70018.US	09/801,839	3/8/01	Bratzler et al.
C01037.70019.US	09/920,313	8/1/01	Peterson et al.
C01037.70021.US	09/949,194	9/7/01	Peterson et al.
C01037.70025.US	10/017,995	12/14/01	Bratzler
C01037.70041.US	TBD	7/3/03	Krieg
C01037.70042.US	TBD	7/3/03	Krieg
C01037.70043.US	TBD	7/3/03	Krieg
C01037.70044.US	TBD	7/3/03	Krieg
C01037.70045.US	TBD	7/3/03	Krieg
C01037.70046.US	TBD	6/5/03	Krieg
C01039.70035.US	09/669,187	09/25/00	Krieg et al.
C01039.70041.US	09/655,319	9/5/00	Krieg et al.
C01039.70043.US	09/629,477	7/31/00	Krieg et al.
C01039.70044.US	09/672,126	9/27/00	Hartmann et al.
C01039.70048.US	09/818,918	3/27/01	Krieg et al.
C01039.70049.US	09/824,468 *	04/02/01	Krieg et al.
C01039.70052.US	09/888,326	6/22/01	Weiner et al.
C01039.70053.US	09/931,583	8/16/01	Krieg et al.
C01039.70057.US	09/965,101	9/26/01	Davis et al.
C01039.70058.US	10/023,909	12/18/01	Davis et al.
C01039.70060.US	10/112,653	3/29/02	Krieg et al.
C01039.70061.US	10/161,229	6/3/02	Krieg et al.
C01039.70062.US	10/187,489	7/2/02	Krieg et al.
C01039.70063.US	10/224,523	8/19/02	Krieg et al.
C01039.70065.US	10/272,502	10/15/02	Krieg et al.
C01039.70067.US	10/300,247	11/20/02	Davis et al.
C01039.70068.US	10/306,522	11/27/02	Krieg et al.
C01039.70069.US	10/314,578	12/9/02	Krieg et al.
C01039.70070.US	10/382,822	3/6/03	Krieg et al.
C01039.70071.US	10/435,656	5/9/03	Krieg et al.
C01039.70072.US	10/434,696	5/9/03	Davis et al.
C01039.70075.US	TBD	7/3/03	Krieg et al.
C01039.70077.US	TBD	7/14/03	Krieg
C01039.70078.US	TBD	7/25/03	Krieg et al.
C01039.70079.US	TBD	7/25/03	Krieg et al.
C01039.70080.US	TBD	7/30/03	Krieg et al.
C01040.70010.US	09/768,012	1/22/01	Davis et al.
C01041.70010.US	09/786,436	9/3/99	Wagner et al.
C01041.70014.US	09/895,007	6/28/01	Schetter et al.
C01041.70016.US	09/954,987	9/17/01	Bauer et al.
C01041.70019.US	10/140,013	5/6/02	Schetter et al.
C01041.70029.US	10/212,133	8/1/02	Lipford et al.
C01041.70031.US	10/265,072	10/5/02	Lipford
C01041.70035.US	10/373,381	2/24/03	Wagner et al.
C01041.70037.US	10/407952	4/4/03	Wagner et al.

#### Remarks

A copy of each of the above-identified information is enclosed unless otherwise indicated on the attached form PTO-1449 (modified). It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;

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2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;

3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicants make no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

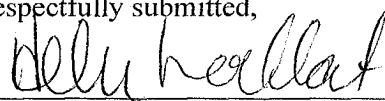
By submitting this Information Disclosure Statement, the Applicants make no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicants make no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicants, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

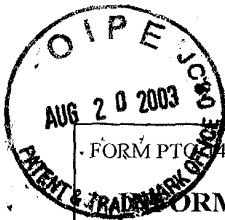
An early and favorable action is hereby requested.

Respectfully submitted,



Helen C. Lockhart, Registration No. 39,248  
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Tel. (617)720-3500

Docket No. **C1039/7042**  
Dated: July 31, 2000  
**XNDD**



FORM PTO 449/A and B (Modified)		APPLICATION NO.: 09/630,319	ATTY. DOCKET NO.: C01039.70042.US
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>		FILING DATE: July 31, 2000	CONFIRMATION NO.: 5464
		APPLICANT: Krieg et al.	
		GROUP ART UNIT: 1635	EXAMINER: Jane J. Zara
Sheet	1	of	1

**U.S. PATENT DOCUMENTS**

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
	A1	6,194,388	Krieg et	02-27-2001	
	A2	6,207,646	Krieg et	03-27-2001	
	A3	6,239,116	Krieg et	05-29-2001	
	A4	6,339,068	Davis	01-15-2002	
	A5	6,214,806	Schwart	04-10-2001	
	A6	6,429,199	Krieg et	08-06-2002	
	A7	6,406,705	Davis	06-18-2002	
	A8	6,218,371	Krieg et	04-17-2001	

**FOREIGN PATENT DOCUMENTS**

Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			

**OTHER ART — NON PATENT LITERATURE DOCUMENTS**

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)	

EXAMINER	DATE CONSIDERED
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#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

\*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. \_\_, filed \_\_, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE - Must provide a copy of any patent, publication, other information listed, even if it was previously submitted to, or cited by, the U.S. Patent Office in an earlier application, unless the earlier application is identified by the IDS and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]

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